

# **MCKOOL SMITH**

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December 16, 2019

By ECF

The Honorable Jesse M. Furman  
United States District Judge  
Southern District of New York  
40 Centre Street, Room 2202  
New York, New York 10007

Re:     In re Application of Accent Delight International Ltd. and  
Xitrans Finance Ltd. for an Order Pursuant to 28 U.S.C.  
§1782 to Conduct Discovery for Use in Foreign Proceedings  
16 Misc. 125 (JMF)

Dear Judge Furman:

This firm represents Intervenors Yves Bouvier and MEI Invest Ltd. in the above-referenced actions.

We write, pursuant to Local Civil Rule 6.3 and Section 1.E of your Honor's Individual Rules of Practice, to seek an enlargement of the time for the filing of a motion for reconsideration or reargument of the Court's Opinion and Order, dated December 10, 2019.

Under Local Civil Rule 6.3, such a motion would normally be due to be filed on or before December 24, 2019.

We respectfully request that the Court extend the time to file such a motion to January 24, 2020.

The reason for the requested extension follows:

On December 12, 2019, the Monaco Court of Appeal granted Mr. Bouvier's motion based on the corruption that Mr. Bouvier described in his application to dismiss the Monaco criminal case and that was the basis for his clawback motion. *See* Dkt. No. 191-2.

A copy of the decision in French is attached to this letter. We will file an English language version when one is obtained.

The Monaco Court of Appeal made extensive findings of fact and conclusions of law. Among other things, the Court of Appeal concluded that the investigation against Mr. Bouvier was carried out with a systematic partiality and bias, which tainted the whole procedure.

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The Court of Appeal also found that the investigation was conducted in a biased and unfair way without Mr. Bouvier's being in a position to retrospectively redress these serious anomalies that permanently compromised the balance of rights of the parties. The Court of Appeal also found that the evidence in the proceedings was collected under conditions that significantly undermined the rights of Mr. Bouvier.

Among the relief ordered by the Court of Appeal was to prohibit anyone from using, or referring to, any and all materials or facts gathered during the tainted investigation, effective immediately. *Id.* at 45-46.

The decision is rather lengthy and will take some time translate into English. Beyond that, it may take some time to determine whether, on the basis of the decision, Mr. Bouvier should seek reconsideration or reargument of the Court's December 10 Opinion and Order or, instead, whether he should seek other, further, or different relief.

In addition, counsel for Mr. Bouvier has a pre-planned vacation to Asia and further work travel to Asia, such that I will be out of the country from December 20, 2019, to January 8, 2020.

Based on my communications with counsel for Sotheby's and Accent Delight and Xitrans, I can represent that Sotheby's consents to the requested extension. I can further represent that Accent Delight and Xitrans do not consent to the requested extension, but did not provide any reason for taking this position.

Respectfully submitted,

/s/

Daniel W. Levy

Intervenors' motion for reconsideration or other, further, or different relief based on the Monaco Court of Appeal decision shall be filed on or before January 24, 2020

SO ORDERED:

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The Honorable Jesse M. Furman  
United States District Judge

December \_\_\_, 2019

Attach. (Exh. A)

Cc: All counsel (by ECF)